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Paper No. 21

GLENN PATENT GROUP
3475 EDISON WAY
SUITE L
MENLO PARK, CA 94025

In re Application of
Shenholz et al.
Application No. 09/030,825
Filed: February 26, 1998
Attorney Docket No. 172/19

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OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), filed July 13, 2001. This petition is being treated under 37 CFR §1.181(no fee) as a petition to withdraw the holding of abandonment for the above-identified application.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was declared abandoned for failure to timely reply to the Notice of Allowance and Issue Fee Due and submit corrected drawings, as required by the Notice of Allowability both mailed on February 8, 2001. Petitioner was informed of the above-identified application's abandonment by a Notice of Abandonment mailed on June 18, 2001.

Petitioner maintains the issue fee transmittal authorizing the payment of the issue fee was submitted on May 7, 2001. In support Petitioner provided a copy of an Office stamped postcard receipt which acknowledges the receipt of the issue fee transmittal and twelve (12) sheets of formal drawings. Based on the facts stated in the instant petition, and the corroborative evidence provided, it is concluded that the holding of abandonment was improperly imposed.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR §1.181, the Petitioner's request to have the petition considered under 37 CFR §1.137(b) is dismissed as moot.

Pursuant to 37 CFR §1.18(a) an issue fee of \$1240.00 has been charged to deposit account number 07-1445. An additional fee of \$30.00 has been charged pursuant to 37 CFR §1.19(a)(1)(I) for the ten copies requested on the issue fee transmittal form.

The Office acknowledges receipt of new formal drawings submitted with the instant petition.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.

K. McLaughlin /f
Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects